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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205827
Party	Plaintiff Sturgis Motorcycle Rally, Inc.
Correspondence Address	JASON M SNEED SNEED PLLC 610 JETTON STREET, SUITE 120-107 DAVIDSON, NC 28036 UNITED STATES JSneed@SneedLegal.com, Litigation@SneedLegal.com
Submission	Answer to Counterclaim
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Signature	/Jason M. Sneed/
Date	09/07/2012
Attachments	2012-09-07 Answer of SMRI to Counterclaims of Applicant.pdf (4 pages) (95684 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Sturgis Motorcycle Rally, Inc.,)	
)	
Opposer,)	
)	Opposition No. 91205827
v.)	
)	
Charles Nucci,)	
)	
Applicant.)	
_____)	

ANSWER OF OPPOSER TO COUNTERCLAIMS OF APPLICANT

Opposer, Sturgis Motorcycle Rally, Inc. (“SMRI” or “Opposer”), pursuant to Trademark Board Manual of Procedure (“TBMP”) § 311, answers and responds to the Counterclaims of Applicant, Charles Nucci (“Nucci” or “Applicant”) as follows:

1. Opposer admits the allegations contained in Paragraph 1 of the Counterclaims.
2. Opposer admits the allegations contained in Paragraph 2 of the Counterclaims.
3. Opposer denies the allegations contained in Paragraph 3 of the Counterclaims.
4. Opposer denies the allegations contained in Paragraph 4 of the Counterclaims.
5. Opposer denies the allegations contained in Paragraph 5 of the Counterclaims.
6. No response is required to Paragraph 6 of the Counterclaims.
7. Opposer admits the allegations contained in Paragraph 7 of the Counterclaims.
8. Opposer denies the allegations contained in Paragraph 8 of the Counterclaims.
9. Opposer denies the allegations contained in Paragraph 9 of the Counterclaims.
10. Opposer denies the allegations contained in Paragraph 10 of the Counterclaims.
11. Opposer denies the allegations contained in Paragraph 11 of the Counterclaims.

12. Opposer denies the allegations contained in Paragraph 12 of the Counterclaims.
13. No response is required to Paragraph 13 of the Counterclaims.
14. Opposer admits that Registration Number 3,818,703 is composed of the word mark STURGIS BIKE WEEK. Otherwise, Opposer is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Counterclaims, and therefore denies the same.
15. Opposer denies the allegations contained in Paragraph 15 of the Counterclaims.
16. Opposer denies the allegations contained in Paragraph 16 of the Counterclaims.
17. Opposer denies the allegations contained in Paragraph 17 of the Counterclaims.
18. Opposer denies the allegations contained in Paragraph 18 of the Counterclaims.
19. Opposer denies the allegations contained in Paragraph 19 of the Counterclaims.
20. Opposer denies each and every allegation in the Counterclaims not specifically admitted or denied herein.

Defenses and Affirmative Defenses

1. Applicant has not stated a claim upon which relief can be granted.
2. Applicant is barred by the *Morehouse* defense from contesting Opposer's rights and contested registrations.
3. Applicant is barred by the doctrines of estoppel, laches and acquiescence from obtaining the relief sought.

WHEREFORE, Opposer, Sturgis Motorcycle Rally, Inc., respectfully requests that the Board dismiss the Counterclaims and issue judgment in favor of Opposer and against Applicant with respect to each claim of Applicant's Counterclaims.

Dated: Sept. 7, 2012

Respectfully Submitted,

/s/ Jason M. Sneed

Jason M. Sneed, Esq.

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*Attorney for Opposer, Sturgis Motorcycle
Rally, Inc.*

Certificate of Filing

The undersigned certifies that this correspondence is being filed via electronic means by filing with the Electronic System for Trademark Trial and Appeals.

/s/ Jason M. Sneed
An Attorney for Opposer
Date of Signature: Sept. 7, 2012

Certificate of Service

The undersigned counsel of record hereby certifies that a copy of the foregoing *Answer of Opposer to Counterclaims of Applicant* was served by placing a copy in U.S. Mail, postage prepaid, this 7th day of September, 2012 and addressed to the following:

Ian K. Boyd
Harvey Siskind LLP
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Attorney for Applicant

/s/ Jason M. Sneed
An Attorney for Opposer